

UNITED STATES DISTRICT COURT

FILED
JAMES RONINI
CLERK

SOUTHERN DISTRICT OF OHIO

07 MAR 30 AM 11:44

UNITED STATES OF AMERICA, et al.,	:	CASE NO. 1:02-cv00107
Plaintiffs,	:	JUDGE S. ARTHUR SPIEGEL
BOARD OF HAMILTON COUNTY COMMISSIONERS, et al.	:	MAGISTRATE HOGAN
Defendants,	:	AL GAMMARINO'S RESPONSE TO DEFENDANT'S ANSWER AND REQUEST FOR ORAL HEARING
	:	

Now comes Al Gammarino and hereby files his response to Defendant's Answer, which was untimely filed on March 12, 2007, Document 168-1.

The real property damaged by MSD raw sewage was sold at or below the fair market value, due to the damages caused by MSD. It was sold in as is condition due to these damages, of which MSD accepted responsibility but refused to fully compensate for the damages.

On or about January 12, 2004, Defendants, MSD accepted full responsibility and they retained the services of Brock Restoration to clean out the basement of raw sewage, debris from drain and they removed/hailed away the walk in cooler, attached hereto and marked as Exhibit "A".

MSD paid Brock Restoration the sum of \$1,243.45, for the removal of the walk in cooler and cleaing out basement of debris from MSD drains, including sewage and water back up through the floor drains, as evidenced in attached Exhibit "A".

The total damage to the real property as documented is \$14,932.42, of which MSD was given credit of \$5,000.00 for payment by the insurance company, which was the limitation of the policy. With credit given to MSD the

balance due and payable is \$9,632.45, of which MSD has failed to pay even one penny as of this filing or date. The refrigeration unit, being a walk in cooler and the furnace was not replaced by Gammarino, due to the fact that he needed compensation from MSD for the damages, while Gammarino was patient and waiting, MSD never paid one penny, in the interim the real property was sold, for less than the fair market value due to the damages. The purchaser took into consideration the condition of the damages in his offer. While Gammarino never received one penny from MSD, attached hereto Gammarino's affidavit.

REQUEST FOR ORAL HEARING

Now comes Al Gammarino and respectfully requests this matter be set for an oral hearing.

Respectfully submitted,

Al Gammarino
Al Gammarino
3700 E. Galbraith Rd.
Cincinnati, Ohio 45236
(513) 791-2018

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was served upon Terry Nestor, Defendant's counsel, at City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, Ohio 45202, by ordinary mail on March 31, 2007.

Al Gammarino
Al Gammarino